

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

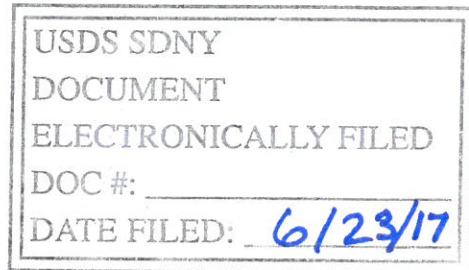
ABIGAIL MALDONADO,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



16-cv-6770 (RJS)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

On August 29, 2016, pro se Plaintiff Abigail Maldonado filed this action seeking judicial review of the decision of the Commissioner of Social Security denying her supplemental security income benefits pursuant to 42 U.S.C. §§ 1381–1383c. (Doc. No. 2.) On August 3, 2016, the Court referred this case to the Honorable Nathaniel Kevin Fox, Magistrate Judge, for a Report and Recommendation. (Doc. No. 7.) On November 8, 2016, Defendant filed a motion for judgment on the pleadings (Doc. No. 11), which was unopposed. On May 16, 2017, Magistrate Judge Fox issued a report and recommendation granting Defendant’s motion and affirming the Administrative Law Judge’s determinations that Plaintiff is capable of working and ineligible for supplemental security income benefits. (Doc. No. 16.) Magistrate Judge Fox advised the parties that failure to object within fourteen (14) days of the issuance of the order would result in waiver of objections. (*Id.* at 6–7.) To date, neither party has filed any objections and the time to do so has long since expired.

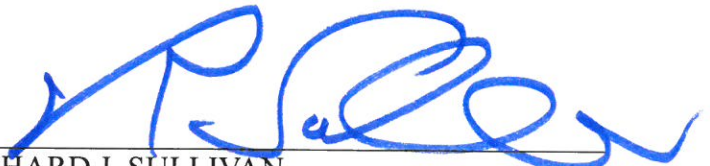
“When no objections to a Report and Recommendation are made, the Court may adopt the Report if there is no clear error on the face of the record.” *Correale-Englehart v. Astrue*, 687 F. Supp. 2d 396, 401 (S.D.N.Y. 2010). After conducting a thorough review of the record, the Court concludes that Magistrate Judge Fox’s opinion is not facially erroneous. Accordingly, the Court

adopts the Report and Recommendation in its entirety. For the reasons set forth in the Report and Recommendation, the Court grants Defendant's motion for judgment on the pleadings and affirms the judgment of the Administrative Law Judge.

The Clerk of Court is respectfully directed to: (1) terminate the motion pending at docket number 11, (2) mail a copy of this order to Plaintiff, and (3) close this case. Furthermore, because any appeal would "lack[] an arguable basis in law or fact," *Talvarez v. Reno*, 54 F.3d 109, 110 (2d Cir. 1995), the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be undertaken in good faith, and therefore, Plaintiff may not proceed in forma pauperis.

SO ORDERED.

Dated: June 23, 2017
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE